

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

DA 815/96

Date of decision 19.12.96

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Sh. M. L. Meena
S/o Sh. N. R. Meena, ASM,
Manani R/O Q-1A, Rly. Colony Shamli
Distt. Muzaffar Nagar.

... Applicant

(None for the applicant)

Vs.

1. The Union of India, through the Genl. Manager, N.Rly. Baroda House, New Delhi.
2. The Divisional Personnel Officer, N.Rly. Paharganj, New Delhi.
3. Shri Raj Singh, Traffic Inspector, Headquarter Shamli, Rly Colony, Shamli, Distt. Muzaffar Nagar.

... Respondents

(By Advocate Shri Rajeev Sharma)

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

This is a part heard case and on the last date i.e. 12.11.1996, respondents had been given an opportunity to file reply on behalf of Respondent 3. Shri Sharma, learned counsel submits that although reply is ready, he has been unable to serve on the applicant's counsel, ^{as he is not present} and the same is taken on record.

2. The brief facts of the case are that the applicant who was posted at Shamli Rly Station is aggrieved by the order/transferring him from Shamli to Manani which has been passed by Respondent 2 (Ann. A.1) dated 31.1.96. Admittedly, the applicant has joined the post at Manani. Meanwhile the applicant was served with another transfer order dated 17.4.96 transferring him from Manani to

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Dharodhi(DNY) Haryana. The Tribunal by order dated 24.4.96 had stayed the impugned transfer order dated 17.4.96 which has been continued from time to time. The applicant has challenged the transfer order, inter-alia, on the ground of malafide alleged against Respondent 3.

3. I have seen the reply on behalf of Respondent 3. It is noted that Respondent 3, Shri Raj Singh, Traffic Inspector is posted at Headquarter Shamli, Rly Station, Shamli. The impugned transfer order transferring him from Manali to Dharodhi has been passed by the competent authority, namely, Divl. Personnel Officer, N.Rly., New Delhi i.e. Respondent 2. Therefore, there appears to be no merit in the allegations made by the applicant regarding malafide action on the part of Respondent 3 that he has been instrumental effecting his transfer from Manali to Dharodhi.

4. In the facts and circumstances of the case, therefore, I find no merit in this application. ^{liable for the PS} Apart from that, the application is also dismissed for default and non prosecution. In the result, the application fails and it is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

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